

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

ZF MERITOR LLC and MERITOR)
TRANSMISSION CORPORATION,)
Plaintiffs,) FILED UNDER SEAL
v.) Civil Action No. 06-623 (SLR)
EATON CORPORATION,)
Defendant.)
)

**DECLARATION OF JENNIFER D. HACKETT IN SUPPORT OF
PLAINTIFFS' ANSWERING BRIEF IN OPPOSITION TO DEFENDANT'S
MOTION TO EXCLUDE OPINION TESTIMONY OF DR. DAVID W. DERAMUS**

I, Jennifer D. Hackett, declare as follows:

1. I am a partner at the law firm of Dickstein Shapiro LLP, which represents the Plaintiffs in connection with the above-captioned litigation. I have personal knowledge of the facts stated in this affidavit, and the following is true and correct to the best of my knowledge.
2. Attached as Exhibit 1 is a true and accurate copy of the Amended Expert Damages Report of Dr. David W. DeRamus, dated January 16, 2013.
3. Attached as Exhibit 2 is a true and accurate copy of the Expert Report of David S. Sibley, dated March 11, 2013.
4. Attached as Exhibit 3 is a true and accurate copy of Plaintiffs' Exhibit 659 (PTX 659), an email from Tom Floyd to Adriana Camacho and John Buck, Jr., dated September 20, 2002, attaching a letter from Thomas Lundahl to James Sweetnam.
5. Attached as Exhibit 4 is a true and accurate copy of Plaintiffs' Exhibit 377 (PTX 377), an Eaton Presentation titled "Heavy Duty Transmission Strategic Plan 2000."

6. Attached as Exhibit 5 is a true and accurate copy of Defendant's Exhibit 735 (DX 735), an Eaton Presentation titled "Worldwide Truck Leadership Conference."

7. Attached as Exhibit 6 is a true and accurate copy of Plaintiffs' Exhibit 130 (PTX 130), an email from William Fouch to Matthew Sturdy, dated November 27, 2001, attaching Eaton Internal Correspondence.

8. Attached as Exhibit 7 is a true and accurate copy of Plaintiffs' Exhibit 682 (PTX 682), an email from Vicki Worthington, attaching an Eaton Executive Summary.

9. Attached as Exhibit 8 is a true and accurate copy of Plaintiffs' Exhibit 1307 (PTX 1307), an email from Eaton to Volvo/Mack, dated September 30, 2003, attaching a presentation titled "Steering Committee Scope Meeting."

10. Attached as Exhibit 9 is a true and accurate copy of Plaintiffs' Exhibit 304 (PTX 304), an internal Eaton email from John Buck, Jr. to Steven McKeeby and Curt Hutchins, dated October 17, 2003.

11. Attached as Exhibit 10 is a true and accurate copy of Plaintiffs' Exhibit 626 (PTX 626), an internal Eaton email from Matthew Sturdy to John Buck, Jr., dated February 11, 2004.

12. Attached as Exhibit 11 is a true and accurate copy of Plaintiffs' Exhibit 531r (PTX 531r), an email from Greg Sharp (Freightliner) to Carlos Billingsley and Brian Mooers, dated June 21, 2002.

13. Attached as Exhibit 12 is a true and accurate copy of Plaintiffs' Exhibit 272 (PTX 272), a Volvo email from David Louya to Tom Walsh, dated April 25, 2007.

14. Attached as Exhibit 13 are true and accurate excerpts from the April 14, 2009 Status Conference transcript.

15. Attached as Exhibit 14 are true and accurate excerpts from the September 10, 2009 Pre-Trial Hearing transcript.

16. Attached as Exhibit 15 are true and accurate excerpts from the Response and Reply Brief of Appellant/Cross-Appellee Eaton Corporation, dated March 21, 2012.

17. Attached as Exhibit 16 are true and accurate excerpts from the November 28, 2012 Status Conference transcript.

18. Attached as Exhibit 17 are true and accurate excerpts from the March 13, 2009 deposition transcript of David W. DeRamus.

19. Attached as Exhibit 18 are true and accurate excerpts from the March 6, 2013 deposition transcript of David W. DeRamus.

20. Attached as Exhibit 19 are true and accurate excerpts from the Expert Report of David W. DeRamus, dated February 17, 2009.

21. Attached as Exhibit 20 are true and accurate excerpts from the June 29, 2009 *Daubert* hearing transcript.

22. Attached as Exhibit 21 is a true and accurate copy of Plaintiffs' Exhibit 115 (PTX 115), the Eaton-Freightliner Supply Agreement.

23. Attached as Exhibit 22 is a true and accurate copy of Plaintiffs' Exhibit 132 (PTX 132), an Eaton email from Matthew Sturdy to William Fouch, dated January 5, 2002.

24. Attached as Exhibit 23 is a true and accurate copy of Plaintiffs' Exhibit 247 (PTX 247), the Eaton-Mack Supply Agreement.

25. Attached as Exhibit 24 is a true and accurate copy of Plaintiffs' Exhibit 599 (PTX 599), the Eaton-PACCAR Supply Agreement.

26. Attached as Exhibit 25 is a true and accurate copy of Plaintiffs' Exhibit 651 (PTX 651), an email from Adriana Camacho to John Spanke, dated January 24, 2002.

27. Attached as Exhibit 26 is a true and accurate copy of Defendant's Exhibit 467 (DX 467), the Eaton-International Supply Agreement.

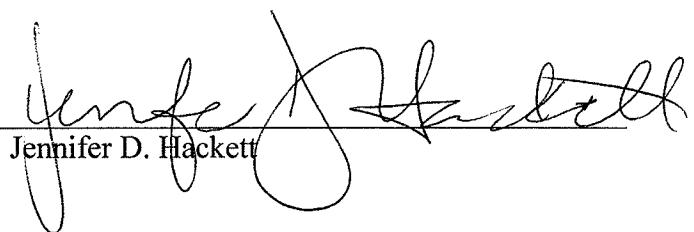
28. Attached as Exhibit 27 is a true and accurate copy of Defendant's Exhibit 515 (DX 515), the Eaton-Volvo Supply Agreement.

29. Attached as Exhibit 28 are true and accurate excerpts from the Principal Brief of Appellant/Cross-Appellee Eaton Corporation, dated December 14, 2011.

30. Attached as Exhibit 29 are true and accurate excerpts from Eaton's Reply Brief to Petition for a Writ of Certiorari, dated April 10, 2013.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: April 22, 2013,
Washington, D.C.



Jennifer D. Hackett

CERTIFICATE OF SERVICE

I, Joseph C. Schoell, hereby certify that, on this 22nd day of April, 2013, a copy of the foregoing document was served on the following counsel of record in the manner indicated below:

BY HAND DELIVERY

Donald E. Reid
Morris, Nichols, Arsh & Tunnell LLP
1201 N. Market St.
Wilmington, DE 19899

BY FEDEX

Joseph A. Ostoyich
Howrey LLP
1299 Pennsylvania Ave, N.W.
Washington, DC 20004

/s/ Joseph C. Schoell

Joseph C. Schoell (No. 3133)